



Montana Compilation of School Discipline Laws and Regulations

Prepared: June 30, 2022

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of June 2022. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

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20-1-220. Use of tobacco product in public school building or on public school property prohibited

Chapter 4. Teachers, Superintendents, and Principals

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Part 2. Duties - Prohibitions - Penalties

20-5-201. Duties and sanctions
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Chapter 9. Finance

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Part 1. When Forced Justified

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10. Education

Chapter 16. Special Education

Subchapter 33. Services

[10.16.3346.](#) Aversive treatment procedures

Chapter 55. Standards of Accreditation

Subchapter 7. School Leadership

[10.55.701.](#) Board of trustees

[10.55.719.](#) Student protection procedures

Subchapter 8. Educational Opportunity

[10.55.801.](#) School climate

Subchapter 9. Academic Requirements

[10.55.910.](#) Student discipline records

37. Public Health and Human Services

Chapter 87. Children's Mental Health Services

Subchapter 18. Comprehensive School and Community Treatment Program (CSCT)

[37.87.1801.](#) Comprehensive school and community treatment program: Referrals

[37.87.1802.](#) Comprehensive school and community treatment program: Contract requirements

Chapter 106. Health Care Facilities

Subchapter 19. Minimum Standards for Mental Health Centers

[37.106.1902.](#) Mental health center: Definitions

[37.106.1956.](#) Mental health center: Comprehensive school and community treatment (CSCT) program, services and staffing

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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

20-5-202. Suspension and expulsion.

(1) As provided in 20-4-302, 20-4-402, and 20-4-403, a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil. Expulsion is any removal of a pupil for more than 20 school days without the provision of educational services and is a disciplinary action available only to the trustees. A pupil may be suspended from school for an initial period not to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an informal hearing with the school administrator prior to the additional suspension and if the decision to impose the additional suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection (2)(a) must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration in writing to modify the requirement for expulsion of a student, up to and including eliminating the requirement for expulsion, on a case-by-case basis. The trustees shall annually review the district's weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(b) A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals With Disabilities Education Act.

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, a superintendent, or principal may immediately suspend a student if, prior to a hearing conducted pursuant to subsection (6), there is cause to believe the student brought a firearm to school or possessed a firearm at school.

(4) Nothing in this section prevents a school district from:

(a) offering instructional activities related to firearms or allowing a student to bring a firearm to school for instructional activities sanctioned by the district if:

- (i) the district has appropriate safeguards in place to ensure student safety; and
- (ii) the firearm is secured in a locked container approved by the school district when the firearm is at school and is not in use for the instructional activity

(b) providing educational services in an alternative setting to a student who has been expelled from the student's regular school setting.

(5) Before holding a hearing as required under subsection (6) to determine if a student has violated this section, the trustees shall, in a clear and timely manner, notify the student if the student is an adult or notify the parent or guardian of a student if the student is a minor that the student may:

- (a) waive the student's privacy interest by requesting that the hearing be held in public; and
 - (b) invite other individuals to attend the hearing.
- (6) Before expelling a student under this section, the trustees shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in 1-1-204, brought a firearm to school or possessed a firearm at school.
- (7) When a student subject to a hearing is found to have not violated this section, the student's school record must be expunged of the incident.
- (8) The office of public instruction shall make available on its website the information gathered from school districts that is provided annually to the federal government under the reporting requirements of 20 U.S.C. 7151, provided that any personally identifiable information is redacted.
- (9) The provisions of this section do not require expulsion of a student who has brought a firearm to school or possesses a firearm at school as long as the firearm is secured in a locked container approved by the school district or in a locked motor vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.
- (10) For the purposes of this section, the following definitions apply:
- (a) "Firearm" has the same meaning as provided in 18 U.S.C. 921.
 - (b) (i) "School" means a building, grounds, or property of a public elementary or secondary school.
 - (ii) The term does not include a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting."

REGULATIONS

10.55.719. Student protection procedures.

- (1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:
- (a) causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
 - (b) substantially and materially interferes with access to an educational opportunity or benefit; or
 - (c) substantially and materially disrupts the orderly operation of the school. [...]
- (5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:
- (a) a prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;
 - (b) a procedure for reporting and documenting reported acts of behavior prohibited under (1);
 - (c) a procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;

- (d) procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;
- (e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;
- (f) a procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior;
- (g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and
- (h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.

10.55.801. School climate.

- (1) The local board of trustees shall:
 - (a) develop policies, procedures, and rules that respect the rights of all learners, and promote an awareness of and concern for the well-being of others, and address bullying, intimidation, and harassment of students and school personnel.

Scope

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

- (1) A teacher or principal has the authority to hold a pupil to a strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

REGULATIONS

10.55.719. Student protection procedures.

- (1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:
 - (a) causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
 - (b) substantially and materially interferes with access to an educational opportunity or benefit; or
 - (c) substantially and materially disrupts the orderly operation of the school.
- (4) The behavior prohibited in (1) includes but is not limited to conduct:
 - (a) in a classroom or other location on school premises;
 - (b) during any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or
 - (c) through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

Communication of Policy

LAWS

No relevant laws found.

REGULATIONS

10.55.701. Board of trustees.

(2) Each school district shall make available to the staff and public:

- (a) goals that reflect the district's strategic plan of education;
- (b) sequential curriculum for each program area that aligns to the content standards, specific grade-level learning progressions, and program area standards;
- (c) policies establishing student assessment procedures that ensure evaluation of the district's curriculum and student learning. These procedures shall specify how and when data are to be collected, analyzed, and reported;
- (d) policies that delineate the responsibilities of the local board of trustees, superintendent, and personnel employed by the school district. The local board of trustees shall review these policies on a regular basis ;
- (e) a policy on student, parent, and school employee due process rights;
- (f) policies addressing bullying, hazing, intimidation, and harassment of students and meeting the requirements in ARM 10.55.719;
- (g) an equity policy;
- (h) a transfer policy for determining the appropriate placement of incoming students;
- (i) an academic freedom policy;
- (j) a materials selection policy, including a challenge procedure, for all curricular and support materials;
- (k) a copyright policy;
- (l) a policy that defines the use of school facilities and resources;
- (m) a comprehensive family engagement policy aligned to meet the following goals:
 - (i) families actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;
 - (ii) families and school staff engage in regular, two-way meaningful communication about student learning;
 - (iii) families and school staff continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
 - (iv) families are empowered to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;
 - (v) families and school staff partner in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and
 - (vi) families and school staff collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation;
- (n) a policy incorporating the distinct and unique cultural heritage of American Indians, ensuring integration of the history and contemporary portrayals of Indians, and that is aligned with district goals;

- (o) a policy addressing distance, online, and technology delivered learning as defined in ARM 10.55.602;
- (p) a policy, procedure, or plan addressing suicide prevention and response as outlined in 10.55.720;
- (q) a policy addressing hazard and emergency plans as outlined in 10.55.721.
- (r) a policy that defines a significant writing program; and
- (s) a policy that addresses student health issues that arise in the school setting.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

10.55.719. Student protection procedures.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

- (g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1).

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

20-9-236. Transfer of funds - Improvements to school safety and security.

(1) A school district may transfer state or local revenue from any budgeted or nonbudgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school and student safety and security as follows:

- (b) programs to support school and student safety and security, including but not limited to active shooter training, threat assessments, and restorative justice.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(2) For the purposes of this section, "corporal punishment" means knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.

(3) A person who is employed or engaged by a school district may not inflict or cause to be inflicted corporal punishment on a pupil.

(4)(b) Physical pain resulting from the use of physical restraint as defined in subsection (4)(a) does not constitute corporal punishment as long as the restraint is reasonable and necessary. [...]

(7) If a person who is employed or engaged by a school district uses corporal punishment or more physical restraint than is reasonable or necessary, the person is guilty of a misdemeanor and, upon conviction of the misdemeanor by a court of competent jurisdiction, shall be fined not less than \$25 or more than \$500.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(4)(a) A person who is employed or engaged by a school district may use physical restraint, defined as the placing of hands on a pupil in a manner that is reasonable and necessary to:

- (i) quell a disturbance;
- (ii) provide self-protection;
- (iii) protect the pupil or others from physical injury;
- (iv) obtain possession of a weapon or other dangerous object on the person of the pupil or within control of the pupil;
- (v) maintain the orderly conduct of a pupil including but not limited to relocating a pupil in a waiting line, classroom, lunchroom, principal's office, or other on-campus facility; or

(vi) protect property from serious harm.

(b) Physical pain resulting from the use of physical restraint as defined in subsection (4)(a) does not constitute corporal punishment as long as the restraint is reasonable and necessary. [...]

(7) If a person who is employed or engaged by a school district uses corporal punishment or more physical restraint than is reasonable or necessary, the person is guilty of a misdemeanor and, upon conviction of the misdemeanor by a court of competent jurisdiction, shall be fined not less than \$25 or more than \$500.

(8) A person named as a defendant in an action brought under this section may assert as an affirmative defense that the use of physical restraint was reasonable or necessary. If that defense is denied by the person bringing the charge, the issue of whether the restraint used was reasonable or necessary must be determined by the trier of fact.

45-3-107. Use of force by parent, guardian, or teacher.

A parent or an authorized agent of a parent or a guardian, master, or teacher is justified in the use of force that is reasonable and necessary to restrain or correct the person's child, ward, apprentice, or pupil.

REGULATIONS

10.16.3346. Aversive treatment procedures.

(1) Positive behavioral interventions based on the results of a functional behavioral assessment shall serve as the foundation for any program utilizing aversive procedures to address the behavioral needs of students. Aversive treatment procedures may be appropriate for an individual student who exhibits behaviors which pose a risk of physical harm to the student or others, or a risk of significant damage to property, or significantly disruptive or dangerous behaviors which cannot be modified solely through the use of positive behavioral interventions. Aversive treatment procedures must be designed to address the behavioral needs of an individual student, be approved by the IEP team, and may not be used as punishment, for the convenience of staff, or as a substitute for positive behavioral interventions.

(2) Aversive treatment procedures are defined as:

(a) physical restraint, other than as provided in 20-4-302, MCA, when the IEP team has determined that the frequency, intensity or duration of the restraint warrants an aversive treatment procedure; and

(b) isolation time-out which results in the removal of a student to an isolation room under the following conditions:

(i) the student is alone in the isolation room during the period of isolation;

(ii) the student is prevented from exiting the isolation room during the period of isolation;

(iii) the door to the isolation room remains closed during the period of isolation; and

(iv) the student is prohibited from participating in activities occurring outside the isolation room and from interacting with other students during the period of isolation.

(3) Any student in isolation timeout must be under the direct constant visual observation of a designated staff person throughout the entire period of isolation.

(4) The following procedures are prohibited:

(a) any procedure solely intended to cause physical pain;

(b) isolation in a locked room or mechanical restraint, except in residential treatment facilities and psychiatric hospitals as defined in 20-7-436, MCA, when prescribed by a physician as part of a treatment plan and when implemented in compliance with relevant federal and state law;

(c) the withholding of a meal for a period of greater than one hour from its scheduled starting time;

- (d) aversive mists, noxious odors, and unpleasant tastes applied by spray or other means to cause an aversive physical sensation; and
 - (e) mechanical restraint that physically restricts a student's movement through the use upon the student of any mechanical or restrictive device which is not intended for medical reasons.
- (5) Exclusion time-out is not considered an aversive treatment procedure. Exclusion time-out is defined as any removal of a student from a regularly scheduled activity for disciplinary purposes that does not result in placing the student in an isolation room under all of the conditions described in (2)(b).
- (6) IEPs may include the use of aversive treatment procedures only when:
- (a) subsequent to a functional behavioral assessment, a series of no less than two written positive behavioral intervention strategies, which were designed to target the behavior to be changed, were previously implemented;
 - (b) the IEP team includes a person trained and knowledgeable about best practices in the application of positive behavioral interventions, aversive treatment procedures and nonaversive alternatives for de-escalation of behaviors; and
 - (c) a written behavioral intervention plan using aversive treatment procedures is developed and incorporated as a part of the IEP.
- (7) A behavioral intervention plan using aversive treatment procedures must be in writing and shall:
- (a) include a statement describing no less than two positive behavioral intervention strategies previously attempted and the results of these interventions, as described in (6)(a);
 - (b) describe the target behavior(s) that will be consequented with the use of the aversive treatment procedure(s);
 - (c) include short-term objective(s) with measurable criteria stating the expected change in the target behavior(s);
 - (d) provide a written description of the aversive treatment procedure(s);
 - (e) specify a time limit for the use of the aversive treatment procedure for any one instance;
 - (f) include data collection procedures for recording each application of the aversive treatment(s);
 - (g) state when the IEP team will meet to review the ongoing use, modification or termination of the aversive procedure;
 - (h) designate an individual responsible for ongoing review and analysis of the data on the target behavior;
 - (i) state how the student's parents will be regularly informed of the progress toward the short-term objectives in the IEP at a frequency no less than is required in 34 CFR 300.347; and
 - (j) state whether any standard school disciplinary measures are waived.
- (8) When an aversive treatment plan is incorporated in the IEP, the parents must be informed that their consent to the IEP includes consent for the aversive treatment plan. Failure to obtain consent is subject to due process proceedings under ARM 10.16.3507 through 10.16.3523.
- (9) Parents must be informed as soon as possible, but no more than 24 hours after the procedure is used, in writing, or orally if in writing is not possible, in their native language each time an aversive procedure is implemented on their child.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(5) A teacher in a district employing neither a district superintendent nor a principal at the school where the teacher is assigned has the authority to suspend a pupil for good cause. When either a district superintendent or a school principal is employed, only the superintendent or principal has the authority to suspend a pupil for good cause. Whenever a teacher suspends a pupil, the teacher shall notify the trustees and the county superintendent immediately of the action.

20-5-201. Duties and sanctions.

(2) A pupil who disobeys the provisions of this section, shows open defiance of the authority vested in school personnel by this section, defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district, harms or threatens to harm another person or the person's property, or otherwise violates district policy regarding pupil conduct is subject to punishment, suspension, or expulsion under the provisions of this title. When a pupil defaces or damages school property, the pupil's parent or guardian is liable for the cost of repair or replacement upon the complaint of the teacher, principal, superintendent, or any trustee and the proof of any damage.

20-5-202. Suspension and expulsion.

(1) As provided in 20-4-302, 20-4-402, and 20-4-403, a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil. Expulsion is any removal of a pupil for more than 20 school days without the provision of educational services and is a disciplinary action available only to the trustees. A pupil may be suspended from school for an initial period not to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an informal hearing with the school administrator prior to the additional suspension and if the decision to impose the additional suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection (2)(a) must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration in writing to modify the requirement for expulsion of a student, up to and including eliminating the requirement for expulsion, on a case-by-case basis. The trustees shall annually review the district's weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(b) A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals With Disabilities Education Act.

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, a superintendent, or principal may immediately suspend a student if, prior to a hearing conducted pursuant to subsection (6), there is cause to believe the student brought a firearm to school or possessed a firearm at school.

(10) For the purposes of this section, the following definitions apply:

(a) "Firearm" has the same meaning as provided in 18 U.S.C. 921.

(b) (i) "School" means a building, grounds, or property of a public elementary or secondary school.

(ii) The term does not include a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting."

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

20-5-202. Suspension and expulsion.

(1) As provided in 20-4-302, 20-4-402, and 20-4-403, a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil. Expulsion is any removal of a pupil for more than 20 school days without the provision of educational services and is a disciplinary action available only to the trustees. A pupil may be suspended from school for an initial period not to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an informal hearing with the school administrator prior to the additional suspension and if the decision to impose the additional suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection (2)(a) must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration in writing to modify the requirement for expulsion of a student, up to and including eliminating the requirement for expulsion, on a case-by-case basis. The trustees shall annually review the district's weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(b) A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals With Disabilities Education Act

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, superintendent, or principal may immediately suspend a student if, prior to a hearing conducted pursuant to subsection (6), there is cause to believe the student brought a firearm to school or possessed a firearm at school.

(4) Nothing in this section prevents a school district from:

(a) offering instructional activities related to firearms or allowing a firearm to be brought to school for instructional activities sanctioned by the district if:

(i) the district has appropriate safeguards in place to ensure student safety; and

(ii) the firearm is secured in a locked container approved by the school district when the firearm is at school and is not in use for the instructional activity

(6) Before expelling a student under this section, the trustees shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in 1-1-204, brought a firearm to school or possessed a firearm at school.

(7) When a student subject to a hearing is found to have not violated this section, the student's school record must be expunged of the incident.

(9) The provisions of this section do not require expulsion of a student who has brought a firearm to school or possesses a firearm at school as long as the firearm is secured in a locked container approved by the school district or in a locked motor vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.

(10) For the purposes of this section, the following definitions apply:

(a) "Firearm" has the same meaning as provided in 18 U.S.C. 921.

(b) (i) "School" means a building, grounds, or property of a public elementary or secondary school.

(ii) The term does not include a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting."

REGULATIONS

No relevant regulations found.

Due Process

LAWS

20-5-202. Suspension and expulsion.

(1) As provided in 20-4-302, 20-4-402, and 20-4-403, a pupil may be suspended by a teacher, superintendent, or principal. The trustees of the district shall adopt a policy defining the authority and procedure to be used by a teacher, superintendent, or principal in the suspension of a pupil and in defining the circumstances and procedures by which the trustees may expel a pupil. Expulsion is any removal of a pupil for more than 20 school days without the provision of educational services and is a disciplinary action available only to the trustees. A pupil may be suspended from school for an initial period not to exceed 10 school days. Upon a finding by a school administrator that the immediate return to school by a pupil would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a pupil may be suspended for one additional period not to exceed 10 school days if the pupil is granted an informal hearing with the school administrator prior to the additional

(2) suspension and if the decision to impose the additional suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(6) Before expelling a student under this section, the trustees shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in 1-1-204, brought a firearm to school or possessed a firearm at school.

(7) When a student subject to a hearing is found to have not violated this section, the student's school record must be expunged of the incident.

REGULATIONS

10.55.701. Board of trustees.

(3) Each school district shall make available to the staff and public:

(e) a policy on student, parent, and school employee due process rights.

Return to School Following Removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

20-5-202. Suspension and expulsion.

(4) Nothing in this section prevents a school district from:

(b) providing educational services in an alternative setting to a student who has been expelled from the student's regular school setting.

REGULATIONS

No relevant regulations found.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

20-5-202. Suspension and expulsion.

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection (2)(a) must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration in writing to modify the requirement for expulsion of a student, up to and including eliminating the requirement for expulsion, on a case-by-case basis. The trustees shall annually review the district's weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(b) A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals With Disabilities Education Act.

(3) In accordance with 20-4-302, 20-4-402, 20-4-403, and subsection (1) of this section, a teacher, superintendent, or principal may immediately suspend a student if, prior to a hearing conducted pursuant to subsection (6), there is cause to believe the student brought a firearm to school or possessed a firearm at school.

(6) Before expelling a student under this section, the trustees shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in 1-1-204, brought a firearm to school or possessed a firearm at school.

(9) The provisions of this section do not require expulsion of a student who has brought a firearm to school or possesses a firearm at school as long as the firearm is secured in a locked container approved by the school district or in a locked motor vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.

(10) For the purposes of this section, the following definitions apply:

(a) "Firearm" has the same meaning as provided in 18 U.S.C. 921.

(b) (i) "School" means a building, grounds, or property of a public elementary or secondary school.

(ii) The term does not include a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting."

REGULATIONS

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(6) A teacher has the duty to report the truancy or incorrigibility of a pupil to the district superintendent, the principal, the trustees, or the county superintendent, whichever is applicable.

20-5-106. Truancy.

(1) For the purposes of this part "truant" or "truancy" means the persistent nonattendance without excuse, as defined by district policy, for all or any part of a school day equivalent to the length of one class period of a child required to attend a school under 20-5-103.

(2) If an attendance officer discovers a child is truant, the attendance officer may make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that the continued truancy of the child may result in the prosecution of the parent, guardian, or other person responsible for the care of the child under the provisions of this section. If the child is discovered to be truant after the attendance officer has made a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child, the attendance officer may require that the parent, guardian, or other person responsible for the care of the child and the child meet with an individual designated by the school district to formulate a truancy plan to address and resolve the truancy. If the parent, guardian, or other person responsible for the care of the child fails to meet with the designated individual or fails to uphold the responsibilities under the provisions of the truancy plan, the attendance officer may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent, guardian, or other person responsible for the care of the child.

(3)(a) If convicted, the person shall be fined not more than \$ 100, ordered to perform up to 20 hours of community service, or required to give bond in the penal sum of \$ 100, with sureties, conditioned on the person's agreement to cooperate with the district in implementing the truancy plan provided for in subsection (2) for the remainder of the current school term.

(b) If a person fails to comply with an order of the court issued under subsection (3)(a), the person may be imprisoned in the county jail for a term of not more than 3 days.

(4)(a) If the child is discovered by the attendance officer to be truant on 9 or more days or 54 or more parts of a day in 1 school year, the child may be referred to youth court as habitually truant under Title 41, chapter 5.

(b) Following a referral to youth court under subsection (4)(a), an attendance officer shall inform the youth court of any subsequent trancies by the child, and the youth court may find the child to be a youth in need of intervention as defined in 41-5-103 and make any of the dispositions provided in 41-5-1512.

REGULATIONS

No relevant regulations found.

Substance Use

LAWS

20-1-220. Use of tobacco product in public school building or on public school property prohibited.

(1) An individual may not use a tobacco product, vapor product, or alternative nicotine product in a public school building or on public school property.

(2)(a) Subsection (1) does not apply to the use of a tobacco product, vapor product, or alternative nicotine product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product, vapor product, or alternative nicotine product.

(b) Subsection (1) does not apply to the use of a smoking cessation product by an employee.

(3) The principal of an elementary or secondary school, or the principal's designee, may enforce this section.

(4) A violation of this section is subject to the penalties provided in 50-40-115.

(5) For the purposes of this section, the following definitions apply:

(a) "Alternative nicotine product" means a manufactured noncombustible product that contains nicotine derived from tobacco and that is intended for human consumption by being chewed, absorbed, dissolved, or ingested by any other means.

(b) "Public school building" or "public school property":

(i) means public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and

(ii) includes school playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

(c) "Tobacco product" means a substance intended for human consumption that contains tobacco, including cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

(d) "Vapor product" means a noncombustible product that may contain nicotine and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from a solution or other substance. The term includes:

(i) an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and

(ii) a vapor cartridge or other container in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product and device.

REGULATIONS

37.111.825. Health supervision and maintenance.

(7) Pursuant to the advisory authority of 50-1-202, MCA, the department recommends that students be evaluated by registered professional nurses or other appropriately qualified health professionals on a periodic basis in order to identify those health problems which have the potential for interfering with learning, including:

(d) chemical and alcohol abuse.

42.31.350. Use of tobacco products in public school buildings.

(1) The use of tobacco products in public school buildings referred to in 20-1-220, MCA, applies only to elementary and secondary schools.

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

20-5-207. Short title.

Sections 20-5-207 through 20-5-210 may be cited as the "Bully-Free Montana Act".

20-5-208. Definition.

(1) "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication or threat directed against a student that is persistent, severe, or repeated and that:

- (a) causes a student physical harm, damages a student's property, or places a student in reasonable fear of harm to the student or the student's property;
- (b) creates a hostile environment by interfering with or denying a student's access to an educational opportunity or benefit; or
- (c) substantially and materially disrupts the orderly operation of a school.

(2) The term includes retaliation against a victim or witness who reports information about an act of bullying and includes acts of hazing associated with athletics or school-sponsored organizations or groups.

20-5-209. Bullying of student prohibited.

Bullying of a student enrolled in a public K-12 school by another student or an employee is prohibited.

20-5-210. Enforcement - exhaustion of administrative remedies.

(1) A person alleging a violation of 20-5-207 through 20-5-210 may seek redress under any available law after exhausting all administrative remedies.

(2) Nothing in this section precludes a person from contacting law enforcement in relation to incidents of bullying at any point in time.

HB 601 Section 1. Transfer of funds - grant program.

(b) The superintendent of public instruction shall offer grants to school districts to provide professional development on topics related to school safety. Acceptable uses for the school safety professional development grants include but are not limited to individual training of school employees, improvement of facilities, and programs that promote the protection of students from violence, theft, bullying, exposure to weapons, and the sale or use of illegal substances on school grounds.

REGULATIONS

10.55.701. Board of trustees.

(2) Each school district shall make available to the staff and public:

- (f) policies addressing bullying, hazing, intimidation, and harassment of students and meeting the requirements in ARM 10.55.719.

10.55.719. Student protection procedures.

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic

communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

- (a) causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;
- (b) substantially and materially interferes with access to an educational opportunity or benefit; or
- (c) substantially and materially disrupts the orderly operation of the school.

(2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).

(3) "Persistent" as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.

(4) The behavior prohibited in (1) includes but is not limited to conduct:

- (a) in a classroom or other location on school premises;
- (b) during any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or
- (c) through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

- (a) a prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;
- (b) a procedure for reporting and documenting reported acts of behavior prohibited under (1);
- (c) a procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;
- (d) a procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;
- (e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;
- (f) a procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior;
- (g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and
- (h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.

10.55.801. School climate.

(1) The local board of trustees shall:

- (a) develop policies, procedures, and rules that respect the rights of all learners, and promote an awareness of and concern for the well-being of others, and address bullying, intimidation, and harassment of students and school personnel.

Dating and Relationship Violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Multi-tiered Frameworks and Systems of Support

LAWS

No relevant laws found.

REGULATIONS

37.87.1802. Comprehensive school and community treatment program: contract requirements.

(6) The school must describe the implementation of a school-wide positive behavior intervention and supports program, including, at a minimum, the following procedures:

- (a) identifying youth who exhibit inappropriate behaviors to the degree that a positive behavior intervention plan is needed and youth at risk of, or suspected to have need of, mental health services;
- (b) implementing and monitoring the progress of a positive behavior intervention plan for its effectiveness; and
- (c) referring youth to the CSCT program when positive behavior interventions and supports have not resulted in significant positive behavioral change or when a youth may have a clinical condition and may be in need of mental health services.

37.106.1960. Mental health center: Comprehensive school and community treatment (CSCT) program, personnel training.

(3) All team members program staff are required to receive a minimum of 18 hours training per year in behavior management strategies that focus on the prevention of behavior problems for youth with serious emotional disturbance (SED). Training must include:

- (a) positive behavioral intervention planning and support.

Prevention

LAWS

No relevant laws found.

REGULATIONS

10.55.701. Board of trustees.

(5) The local board of trustees shall:

- (a) establish conditions that contribute to a positive school climate which:
 - (i) keep parents/guardians up to date on students' progress;

- (ii) engage in a continuous school improvement process; and
- (b) establish mentoring and induction programs to assist licensed staff in meeting teaching standards as defined in ARM 10.55.701(4)(a) and (b).

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

No relevant laws found.

REGULATIONS

37.87.1802. Comprehensive school and community treatment program: contract requirements.

(7) The school and mental health center must describe annual training offered to school personnel, parents, and students concerning the following:

- (a) CSCT program and services;
- (b) CSCT referral process and criteria;
- (c) signs and symptoms that indicate a need for mental health services for a youth; and
- (d) confidentiality requirements under the Family Education Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPPA) Privacy and Security, and the Health Information Technology for Economic and Clinical Health Act (HITECH).

37.106.1960. Mental health center: Comprehensive school and community treatment (CSCT) program, personnel training.

(1) The CSCT program must be delivered by adequately trained staff. Training should be competency-based and must be documented and maintained in personnel files.

(2) All CSCT program staff are required to receive a minimum of 18 hours of orientation training during the first three months of employment which addresses all of the following:

- (a) certified de-escalation training inclusive of physical and nonphysical methods;
- (b) child development;

- (c) behavior management;
 - (d) crisis planning;
 - (e) roles and responsibilities of CSCT staff in the school setting;
- (3) All team members program staff are required to receive a minimum of 18 hours training per year in behavior management strategies that focus on the prevention of behavior problems for youth with serious emotional disturbance (SED). Training must include:
- (a) positive behavioral intervention planning and support;
 - (b) classroom and youth behavior management techniques that include certified de-escalation training inclusive of physical and nonphysical methods;
 - (c) evidence and research-based behavior interventions and practices; and
 - (d) progress monitoring techniques to inform treatment decisions.

School-based Behavioral Health Programs

LAWS

No relevant laws found.

REGULATIONS

37.87.1801. Comprehensive school and community treatment program: referrals.

- (1) Comprehensive school and community treatment (CSCT) services must be provided as set forth in ARM 37.106.1916 , 37.106.1955, 37.106.1956, 37.106.1960, 37.106.1961, and 37.106.1965 in order to receive payment under this program.
- (2) Youth referred to the CSCT program must be served in sequential order as determined by the priorities below based upon acuity and need, regardless of payer:
- (a) without treatment, the youth may become at risk of self-harm or harm to others;
 - (b) the youth requires support for transition from intensive out-of-home or community-based services;
 - (c) the youth meets the serious emotional disturbance criteria;
 - (d) the youth has not responded to positive behavior interventions and supports;
 - (e) the youth is not attending school due to the mental health condition of the youth.

37.87.1802. Comprehensive school and community treatment program: contract requirements.

- (1) The licensed mental health center providing a comprehensive school and community treatment (CSCT) program must have a written contract with the school district.
- (2)(a) specific services to be provided;
- (b) staffing by position and minimum qualifications; and
 - (c) a description of the mental health services provided by the mental health center during and outside of normal classroom hours.
- (3) The school must identify:
- (a) the provision of transportation and classroom space during non-school days as described in ARM 37.106.1956(1)(i) ;
 - (b) the role of the school counselor and the school psychologist, as appropriate, in the provision of mental health services and supports to youth including coordination with the CSCT program;

- (c) program supports, including telephone, computer access, locking file cabinet(s), and copying, that the school will make available to CSCT staff while providing services within the school;
 - (d) office space dedicated to CSCT which must be adequate and appropriate for confidentiality and privacy for the services provided; and
 - (e) treatment space available to CSCT large enough to host a group during both school and nonschool days.
- (4) The school and mental health center must specify a referral process to the CSCT program.
- (5) The school and mental health center must specify an enrollment process that:
- (a) includes the CSCT licensed or in-training mental health professional and a school administrator or designee;
 - (b) ensures youth have access to services prioritized according to acuity and need as specified in ARM 37.87.1801 ; and
 - (c) considers the current caseload of the CSCT program in terms of a wait list and near-term discharges.
- (6) The school must describe the implementation of a school-wide positive behavior intervention and supports program, including, at a minimum, the following procedures:
- (a) identifying youth who exhibit inappropriate behaviors to the degree that a positive behavior intervention plan is needed and youth at risk of, or suspected to have need of, mental health services;
 - (b) implementing and monitoring the progress of a positive behavior intervention plan for its effectiveness; and
 - (c) referring youth to the CSCT program when positive behavior interventions and supports have not resulted in significant positive behavioral change or when a youth may have a clinical condition and may be in need of mental health services.
- (7) The school and mental health center must describe annual training offered to school personnel, parents, and students concerning the following:
- (a) CSCT program and services;
 - (b) CSCT referral process and criteria;
 - (c) signs and symptoms that indicate a need for mental health services for a youth; and
 - (d) confidentiality requirements under the Family Education Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPPA) Privacy and Security, and the Health Information Technology for Economic and Clinical Health Act (HITECH).
- (8) The contract must identify program data and information which will be shared between the school district and the licensed mental health center to evaluate program effectiveness to include ARM 37.106.1956(9) .
- (9) The contract must include record keeping and management, billing procedures, and must state which party is responsible for each requirement.
- (10) In the circumstance in which a school district is the licensed mental health center providing a CSCT program, the school district must adopt an operational plan that is substantially similar to the contractual requirements set forth in this rule. This operational plan must be kept on file and made available to the department upon request.

37.106.1902. Mental health center: Definitions.

In addition to the definitions in 50-5-101, MCA, the following definitions apply to this subchapter:

(7) "Comprehensive school and community treatment program (CSCT)" means a comprehensive, planned course of community mental health outpatient treatment provided in cooperation and under written contract with the school district where the youth attends school. The program must be provided by a licensed mental health center with an endorsement under ARM 37.106.1955, 37.106.1956, 37.106.1960, 37.106.1961, and 37.106.1965.

37.106.1956. Mental health center: Comprehensive school and community treatment program (CSCT), services and staffing.

(1) The CSCT program must be able to provide the following services, as clinically indicated, to youth as outlined in the individualized treatment plan (ITP):

- (a) individual, group and family therapy;
- (b) behavioral intervention;
- (c) other evidence and research-based practices effective in the treatment of youth with a serious emotional disturbance;
- (d) direct crisis intervention services during the time the youth is present in a school-owned or operated facility;
- (e) a crisis plan that identifies a range of potential crisis situations with a range of corresponding responses including physically present face-to-face encounters and telephonic responses 24/7, as appropriate;
- (f) treatment plan coordination with substance use disorder and mental health treatment services the youth receives outside the CSCT program;
- (g) access to emergency services;
- (h) referral and aftercare coordination with inpatient facilities, psychiatric residential treatment facilities, or other appropriate out-of-home placement programs; and
- (i) continuous treatment that must be available twelve months of the year. The program must provide a minimum of 16 hours per month of CSCT services in summer months.

37.106.1960. Mental health center: Comprehensive school and community treatment (CSCT) program, personnel training.

(1) The CSCT program must be delivered by adequately trained staff. Training should be competency-based and must be documented and maintained in personnel files.

37.111.825. Health supervision and maintenance.

(7) Pursuant to the advisory authority of 50-1-202, MCA, the department recommends that students be evaluated by registered professional nurses or other appropriately qualified health professionals on a periodic basis in order to identify those health problems which have the potential for interfering with learning, including:

- (e) mental health screening.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

20-4-302. Discipline and punishment of pupils - definition of corporal punishment - penalty - defense.

(6) A teacher has the duty to report the truancy or incorrigibility of a pupil to the district superintendent, the principal, the trustees, or the county superintendent, whichever is applicable.

REGULATIONS

10.55.719. Student protection procedures.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

(b) a procedure for reporting and documenting reported acts of behavior prohibited under (1).

10.55.910. Student discipline records.

(1) Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When a local board of trustees takes disciplinary action against a student, the board must take minutes of the action taken, with detailed explanation, even if the disciplinary action is decided during a closed session. For the purpose of this rule, a disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student. This record must be maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213, MCA.

Parental Notification

LAWS

20-5-106. Truancy.

(2) If an attendance officer discovers a child is truant, the attendance officer may make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that the continued truancy of the child may result in the prosecution of the parent, guardian, or other person responsible for the care of the child under the provisions of this section. If the child is discovered to be truant after the attendance officer has made a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child, the attendance officer may require that the parent, guardian, or other person responsible for the care of the child and the child meet with an individual designated by the school district to formulate a truancy plan to address and resolve the truancy. If the parent, guardian, or other person responsible for the care of the child fails to meet with the designated individual or fails to uphold the responsibilities under the provisions of the truancy plan, the attendance officer may refer the matter to the prosecuting attorney in a court of competent jurisdiction for a determination regarding whether to prosecute the parent, guardian, or other person responsible for the care of the child.

REGULATIONS

10.16.3346. Aversive treatment procedures.

(9) Parents must be informed as soon as possible, but no more than 24 hours after the procedure is used, in writing, or orally if in writing is not possible, in their native language each time an aversive procedure is implemented on their child.

10.55.719. Student protection procedures.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

- (e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

20-5-202. Suspension and expulsion.

(2)(a) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection (2)(a) must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration in writing to modify the requirement for expulsion of a student, up to and including eliminating the requirement for expulsion, on a case-by-case basis. The trustees shall annually review the district's weapons policy and any policy adopted under this subsection (2)(a) and update the policies as determined necessary by the trustees based on changing circumstances pertaining to school safety.

REGULATIONS

10.55.719. Student protection procedures.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

(d) a procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

20-9-236. Transfer of funds - Improvements to school safety and security.

(1) A school district may transfer state or local revenue from any budgeted or nonbudgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school and student safety and security as follows:

(a) planning for improvements to and maintenance of school and student safety, including but not limited to the cost of staffing for or services provided by architects, engineers, school resource officers,

(b) counselors, and other staff or consultants assisting the district with improvements to school and student safety and security.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

20-9-236. Transfer of funds - Improvements to school safety and security.

(1) A school district may transfer state or local revenue from any budgeted or nonbudgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school and student safety and security as follows:

(c) programs to support school and student safety and security, including but not limited to active shooter training, threat assessments, and restorative justice.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Montana provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
Website		
Alcohol and Drug Prevention, Montana Office of Public Instruction (OPI)	Provides information and links to resources supporting implementation of school-based alcohol and drug prevention programs.	http://opi.mt.gov/Families-Students/Family-Student-Support/Alcohol-Drug-Prevention
Bully Free Montana, OPI	Provides information on model bullying policies and procedures, Montana's Student Protections and Procedures accreditation rule, and links to state resources.	https://opi.mt.gov/bullyfree
Multi-Tiered Systems of Supports (MTSS), OPI	Provides information and resources supporting implementation of Montana's Multi-Tiered Systems of Supports (MTSS).	http://opi.mt.gov/Educators/Teaching-Learning/Multi-Tiered-Systems-of-Support
Positive School Climate Development	Provides information and resources to support educators in developing a positive school climate, including a resource for creating a safe and connected school climate for American Indian students.	https://opi.mt.gov/Educators/School-Climate-Student-Wellness/Safe-and-Supportive-Schools/Positive-School-Climate-Development
School Mental Health, OPI	Provides resources and information to support and promote wellness in schools including topics such as trauma-informed schools and social emotional learning (SEL).	http://opi.mt.gov/Educators/School-Climate-Student-Wellness/School-Mental-Health
Documents		
Bully Free Montana: A Toolkit for Educators, Families, and Students, OPI	Toolkit for educators, families, and students addressing bullying prevention with fact sheets, tips, and checklists dealing with bullying in schools; includes model policy for bullying and report forms for bullying incidents.	http://opi.mt.gov/Portals/182/Page%20Files/HES%20Bully%20Free%20Montana/Bullyfree%20Toolkit/19BullyFreeToolkitA.pdf?ver=2019-08-29-114053-417

Title	Description	Website address (if applicable)
Bully Free Montana Checklist for Schools, OPI	Checklist for monitoring the progress and needs of schools regarding bullying prevention.	http://opi.mt.gov/Portals/182/Page%20Files/HES%20Bully%20Free%20Montana/Schools/Checklist_School.pdf
Model School District Policy Bullying, Harassment, Intimidation, and Hazing of Students, OPI	Model policy addressing bullying, harassment, intimidation, and hazing in Montana schools.	https://opi.mt.gov/Portals/182/Pag e%20Files/HES%20Bully%20Fre e%20Montana/Schools/ModelBully_FreePolicy.pdf
Trauma Informed Handbooks: Guidance on Creating a Culture of Safety, Connection, and Regulation in Your School (2019), OPI	A handbook to guide and support schools and educators taking a trauma-informed and restorative practices approach to meeting the needs of students and families.	http://opi.mt.gov/Portals/182/Page%20Files/School%20Mental%20Health/Handbook%20Final%202019_OPI.pdf?ver=2020-05-08-150041-340
Other Resources		
School Safety Professional Development Grant, OPI	State grant program allocating funding to Montana school districts for professional development related to protecting students from violence, theft, bullying, exposure to weapons, and the sale or use of illegal substances on school grounds.	http://opi.mt.gov/Leadership/Academic-Success/Title-Other-Federal-Programs/Title-IV-Part-A-Student-Support-Academic-Enrichment/School-Safety-Professional-Development-Grant